

UNITED STATES DISTRICT COURT

Northern District of Iowa

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

MIDAMAR CORPORATION

CASE NUMBER: **0862 1:14CR00138-003**

Haythem Faraj

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

☒ pleaded guilty to count(s) **1 of the Indictment filed on December 5, 2014**

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Title & Section
18 U.S.C. § 371

Nature of Offense
Conspiracy to Cover Up Material Facts by a Scheme,
Make and Use False Statements and Documents Within
the Jurisdiction of the Department of Agriculture,
Make False Statements on Export Certificates With the
Intent to Defraud, Sell Misbranded Meat in
Interstate Commerce With the Intent to Defraud, and
Commit Mail and Wire Fraud

Offense Ended
April 2012

Count
1

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.

☐ The defendant organization has been found not guilty on count(s) _____

☒ Count(s) **2 through 92 of the Indictment** ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: **42-1244351**

Defendant Organization's Principal Business Address:

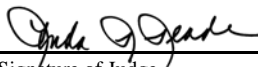
1105 60th Avenue SW
Cedar Rapids, IA 52404

Defendant Organization's Mailing Address:

1105 60th Avenue SW
Cedar Rapids, IA 52404

February 25, 2016

Date of Imposition of Judgment


Signature of Judge

Linda R. Reade
Chief U.S. District Court Judge

Name and Title of Judge

February 26, 2016

Date

DEFENDANT ORGANIZATION: **MIDAMAR CORPORATION**
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PROBATION

The defendant organization is hereby sentenced to probation for a term of :

5 years on Count 1 of the Indictment.

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

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SPECIAL CONDITIONS OF SUPERVISION

The defendant must comply with the following special conditions as ordered by the Court and implemented by the U.S. Probation Office:

- 1) The defendant organization must comply with all terms and conditions of the written consent decree with the U.S. Department of Agriculture filed on February 24, 2016, at Document No. 231-1, Exhibit 124.
- 2) The defendant organization must pay any financial penalty that is imposed by this judgment.
- 3) For as long as the defendant organization owes any fines or restitution ordered as part of the instant offense, the defendant organization must provide the United States Probation Office with access to any requested financial information.
- 4) For as long as the defendant organization owes any fines or restitution ordered as part of the instant offense, the defendant organization must not incur new credit charges or open additional lines of credit without the approval of the United States Probation Office unless the defendant organization is in compliance with the installment payment schedule.
- 5) The defendant organization must submit to a search of its business, office, or vehicle, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant organization must warn its employees and others that its business, office, or vehicle may be subject to searches pursuant to this condition. This condition may be invoked with or without the assistance of law enforcement, including the United States Marshals Service.

Upon a finding of a violation of supervision, I understand the Court may: (1) revoke supervision; (2) extend the term of supervision; and/or (3) modify the condition of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400 (paid)	\$ 20,000	\$ 0

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	\$ _____
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☒ The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A** ☒ Lump sum payment of \$ 20,400 due immediately, balance due
☐ not later than _____, or
☒ in accordance with ☐ C or ☒ D below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C or ☐ D below); or
- C** ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☒ Special instructions regarding the payment of criminal monetary penalties:

If the defendant organization does not immediately pay the fine, then the defendant organization must make payments toward its financial obligation as a condition of its probation pursuant to a payment schedule established by the United States Probation Office and approved by the Court. For as long as the defendant organization owes any fines or restitution ordered as part of the instant offense, it must notify the United States Attorney for the Northern District of Iowa within 30 days of any change of mailing or business address that occurs while any portion of the financial obligations remains unpaid.

The \$400 special assessment was paid on September 18, 2015, receipt #IAN110016352.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant organization shall pay the cost of prosecution.
- ☐ The defendant organization shall pay the following court cost(s):
- ☒ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:
As set forth in the Preliminary Order of Forfeiture filed on September 24, 2015, Document No. 159, which the Court orally made a Final Order of Forfeiture on February 25, 2016. The forfeiture is ordered joint and several with ISA, Inc.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.